

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

HMK ENTERPRISES, INC.,
ROBERT ACKERMAN and
STEVEN KAROL.,

Plaintiffs,

V.

Civil Action No. 04-12688-MLW

THE CHUBB CORPORATION
FEDERAL INSURANCE COMPANY
CHUBB & SON, INC.

Defendant.

JOINT STIPULATION TO DISMISS THE CHUBB CORPORATION AND CHUBB & SON INC.

The plaintiffs HMK Enterprises Inc. (“HMK”), Robert Ackerman and Steven Karol, and defendants The Chubb Corporation (“Chubb”), Chubb & Son Inc. (“Chubb & Son”) and Federal Insurance Company (“Federal”), hereby stipulate as follows:

1. Pursuant to Federal Rule of Civil Procedure 41(a)(1), Chubb and Chubb & Son are dismissed from this suit without prejudice.
2. Federal stipulates that for purposes of this litigation, no distinction will be made between employees or agents of Federal and employees or agents of “Chubb” and/or “Chubb & Son” and/or the “Chubb Group of Insurance Companies.”
3. Chubb, Chubb & Son and Federal agree that all witnesses or documentary evidence in the possession, custody or control of either Chubb or Chubb & Son Inc., if any exists, will be made available to Federal as if they were in the possession, custody or control of Federal for purposes of complying with any discovery obligations of Federal in the action.
4. Chubb, Chubb & Son and Federal represent to the plaintiffs that Federal is solvent and has sufficient resources to pay the judgment sought by the plaintiffs in this case.

5. Nothing in this Stipulation shall be construed as an acknowledgment by either Chubb or Chubb & Son to the existence of personal jurisdiction over them in Massachusetts.

SO STIPULATED:

Plaintiffs, HMK Enterprises
Robert Ackerman, and
Steven Karol

By Their Attorneys



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Defendants, The Chubb Corporation,
Federal Insurance Company, and
Chubb & Son Inc.

By Their Attorneys



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